

REMARKS

Original claims 1 – 102 are pending.

As an initial matter, Applicants note that the claims were rejected under a single 103 count in light of Mori (U.S. Patent No. 6,044,363) in view of Barzilai (US Patent No. 6,012,045), Godin (U.S. Patent No. 6,266,652) and Aggarwal (U.S. Patent No. 6,151,589). These rejections are addressed below through amendment, traverse, and argument.

Claims 1 – 5

Claim 1 has been amended in a couple of ways to clarify the scope of such invention and place the claim in condition for allowance.

First, the Applicant has further described the “ranking” limitation included in the claims, to avoid any potential Examiner concerns. Thus, they have specifically indicated that the ranking is something that is at least initially specified by the bidder, so that the bidder can prioritize one bid for an item, compared to any other bids made by such bidder for other items. Looking at the Barzilai reference, one can clearly see that the bid table identified by the Examiner does not include or suggest such information or operation. In fact, the data identified in the table there merely lists compiled bid information maintained by the system for a particular item. For instance, it identifies who bid on the item, when, and what price they offered. It includes nothing of the notion embodied in claim 1, namely, that an individual bidder can control a ranking of their own bids, so that an auction system must resolve such bids in accordance with such ranking.

Second, the Applicant has amended the claim also to specifically recite that:

.... said bidder can specify that a set of ranked bids submitted by such bidder for a set of items should be treated as mutually exclusive

This is directed to that aspect of the invention which ensures that a bidder is entitled to bid on more than one item, but is guaranteed (if he/she desires) to receive only one such item. This provides flexibility and freedom from the bidder’s perspective – since they know they will not get saddled with something more than they want – and yet from the seller/auction provider’s perspective this feature also generates additional interest in items that might otherwise not receive auction attention.

Accordingly, having the option of designating bids as “mutually exclusive” is a feature that is not taught or suggested anywhere in the prior art. Consequently, Applicant submits that the claim as amended should be patentable, and early allowance is requested.

This is apparent from a review of the prior art considered by the Examiner as well. For instance, in Mori, the purpose is to conduct an auction on one item. Fundamentally, Mori does not address the issue of multiple auctions of mutually exclusive items. For example, in the case where three items (A, B and C) are being auctioned and the bidder registered bids on all three items, the method presented in Mori could result in a situation where one bidder wins all three auctions and is thus stuck with all three items. So even in the event that the three items are mutually exclusive (from the bidder’s perspective), the bidder in Mori could win all three items yet be able to use at most one of them.

However, the invention of claim 1 can prevent this possibility. The bidder can be given an option to have his/her bids considered so that only one of such bids is satisfied. It is plain to see that this type of functionality could be used in conjunction with or as a supplement to normal bidding systems such as shown in Mori and other prior art.

A review of Barzilai similarly reveals that it is no better than Mori in this regard, and that such disclosure does not prevent the kind of problem being addressed in claim 1. Namely, looking at the bid table noted by the Examiner, one can plainly see that a member could potentially be stuck purchasing two of the same items, even if he/she only wanted one, because their bids may be higher than competing bids made by other bidders.

Finally, the method presented in Godin is equally deficient as concerns claim 1. This is because it applies only to a single auction and does not address the possibility that a bidder could simultaneously purchase multiple, mutually exclusive items.

Consequently, the prior art does not teach or suggest the limitations of claim 1. For these reasons, Applicant submits that claim 1 clearly defines patentable subject matter, and should be in condition for allowance.

Dependent claims 2 – 5 should be allowable at least for the same reasons as claim 1. Moreover, claim 2 is patentable on additional grounds, including the fact that the prior art does NOT teach or suggest “.. a set of bids from any particular bidder each include a unique bid ranking for each of said corresponding set of items.

CLAIMS 6 - 10

Claim 6 is directed to another aspect of the inventions, namely, letting bidders monitor certain select bid information for an electronic auction. The distinction here is that the prior art has no mechanism for permitting bidders to see both “... a current highest unconditional bid price specified by a bidder and information relating to any conditional bids specified by other bidders for said item.” The conditional bids are not considered by an auction processing engine until and unless they become unconditional bids during an auction period associated with said item.

The prior art does not teach or suggest anything resembling this type of “conditional” bid, or showing it to other bidders. The difference is significant because by allowing bidders to see so-called “conditional” bids for an item, this helps to stimulate bidding for such item. For example, if a user has entered an unconditional bid for an item, but then notices that a conditional bid is higher than his/her bid, this can act as a motivator for such user to increase their bid. This is but an example, of course, and the Examiner can clearly contemplate similar scenarios embodied by the claim.

Consequently claim 6 is believed to be in condition for allowance.

Dependent claims 7 – 10 should be allowed for at least the same reasons.

CLAIMS 11 – 22

Independent claim 11 has been amended, and should be allowable for substantially the same reasons as claim 1.

Dependent claims 12 – 22 should be allowed for at least the same reasons, and for the additional reasons.

Moreover, claim 13 further specifies that each item bid upon by a bidder “... **can have a unique auction period**” which provides yet another distinct basis for patentability

for this claim. The prior art clearly has no mechanism for permitting a bidder to participate in multiple auctions having different expiration periods at the same time, while ensuring that such bids are treated as mutually exclusive.

Claim 15 further covers those specific embodiments where both unconditional and conditional bids are used, and which is again quite distinct from the prior art. Thus, this claim should be allowable for this additional reason as well.

Similarly, claim 22 should be allowable for the additional reason (similar to claim 6) that the bidder is permitted to see a number of conditional bids which have a bid price equal to or exceeding a highest unconditional bid price for such items.

CLAIMS 23 – 26

Independent claim 23 has been amended, and should be allowable for substantially the same reasons set forth above for claims 1, 6 and 15.

Dependent claims 24 – 26 should be allowable for the same reasons, and for the reasons expressed above for the other dependent claims.

CLAIMS 27 – 29

Independent claim 27 has been amended as well, and is directed to another aspect of the invention, and in particular to a method of participating in an electronic auction whereby the bidder can bid on two separate items auctioned in two separate periods. The bidder can control the process so that a second bid for a second item is discarded if a first bid is a winning bid for a first item, and so that the second bid is only considered if the first bid from the bidder is not a winning bid.

Again, the prior art does not permit a bidder to bid on separate items in this fashion, and control the bidding in the manner called for in claim 27. Consequently, this claim is submitted to be allowable at this time.

Dependent claims 28 and 29 should be allowable for at least the same reasons, and for the reasons set out above.

CLAIMS 30 – 33

Independent claim 30 has been amended, and should be allowable for substantially the same reasons set forth above for claims 1, 6 and 15.

Dependent claims 31 – 33 should be allowable for the same reasons, and for the reasons expressed above for the other dependent claims. Moreover, claim 31 specifically sets out that personal information from the bidder is compared against that of other purchasers to determine a final access time awarded to the purchaser for said access items that best satisfies a capacity availability at said selected facility. This feature is not taught or suggested in the prior art, particularly in the context of managing capacity at a finite sized facility.

CLAIMS 34 – 37

Independent claim 34 has also been amended. This claim is directed to a method of allowing a purchaser to bid on a right to play golf at a selected time and at a selected golf facility in an electronic auction. Again, the prior art does not permit the kind of bidding process as set out in this claim, namely, where:

“...the purchaser is permitted to bid on multiple golf playing opportunities using said set of mutually exclusive purchaser bids, but at most only a single one of said set of mutually exclusive purchaser bids is satisfied as a winning bid.”

Thus, this claim should be allowable for substantially the same reasons as claim 1.

Dependent claims 35 and 36 add further limitations concerning a golf tee time auction, and are not taught or suggested in the art. Accordingly, these claims should be allowable for these additional reasons.

CLAIMS 37 – 43

Independent claim 37 has also been amended. This claim should be allowable for substantially the same reasons as claim 1 and the other claims discussed above.

Dependent claims 38 - 43 should be allowable for at least the same reasons. Furthermore, claim 40 specifically recites that the “...electronic auction for an item proceeds in a sequence determined by examining highest ranked bids in said separate sets of bids

submitted for said item by purchasers, and not by reference to a highest bid price offered for said item.” Again, the concept of examining highest ranked bids, rather than highest priced bids, is unique to the present invention and provides yet another distinct basis for patentability.

Dependent claim 42 further specifies an “immediate purchase option” as a way of ending an auction. This feature, too, is believed to be unique to the present invention in the context of mutually exclusive auctioned items.

Consequently, these claims are believed to distinguish over the prior art of record.

CLAIMS 44 – 50

Independent claim 44 has also been amended. This claim should be allowable for substantially the same reasons as claim 1 and the other claims discussed above. Furthermore, the mechanics of the auction process set out in claim 44 are fundamentally different from those taught in the cited prior art. In particular, the prior art does NOT disclose using a “...set of active bids being comprised only of bids having a highest bid ranking.” Again, as noted above for claim 40, this distinction is yet another reason why the claim distinguishes over the prior art.

Dependent claims 45 - 50 should be allowable for at least the same reasons. Moreover, for claim 50, this has been amended to specifically set out that the electronic auction is conducted such that:

... a potential purchaser can provide a bid for more than one item, and for items having different auction expiration periods, but only receives a single winning bid at most for items having different auction expiration periods (emphasis added).

As the prior art does not teach or suggest such feature, this provides yet another basis for patentability.

CLAIMS 51 – 56

Independent claim 51 is directed to another aspect of the invention, and has also been amended. To wit, this claim recites that bids for an item are sorted such that:

“...said set of active bids for the item including only those bids in which a potential purchaser designated said bid for said item with a highest bid ranking among all bids submitted by said potential purchaser”

In other words, the auction process of claim 51 goes beyond anything taught in the prior art, and effectuates a new type of strategy for an auction: namely, examining only those bids for an item which received a highest ranking by respective bidders. Again, this is different from the standard prior art routine, which does not consider the ranking of a bid in evaluating which ones should be considered for an item. Thus, this claim should be allowable at this time.

Dependent claims 52 – 56 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CLAIMS 57 – 64

Independent claim 57 is directed to another aspect of the invention, and has also been amended. This claim, like claim 51, recites that the “active” bids for an item are only solicited from “highest ranked bids” made by bidders for the item. Thus, for example, even if a bidder has made two separate bids for two separate items, only one of such bids can be “active” at one time for one item. The bid for the other item is not considered until it, too, becomes active. As this type of auction process is not taught or suggested, Applicant submits that this claim should be allowable at this time.

Dependent claims 58 – 64 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CLAIMS 65 – 70

Independent claim 65 is amended and should be allowable for the reasons set out for claims 1 and 51, 57.

Dependent claims 66 – 70 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CLAIMS 71 – 75

Independent claim 71 is amended and should be allowable for at least the reasons set out for claim 1. Furthermore, claim 71 includes limitations of “...**dividing a capacity of the facility into a set of access time windows; and ...creating a set of access right items based on said set of access time windows, said access right items including at least an access starting time and access duration associated with performing an activity at the facility.**” The prior art does not teach or suggest the type of auction noted in claim 71 for use in the capacity planning context set out in these limitations.

Dependent claims 72 – 75 should be allowable for at least the same reasons, and for the reasons set out above for the other claims. Moreover, claims 72 and 73 recite more capacity planning limitations, and are distinguishable for such reasons as well.

CLAIMS 76 – 80

Independent claim 76 is amended and should be allowable for the reasons set out for claim 1 and the other claims above.

Dependent claims 77 – 80 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CLAIMS 81 – 84

These independent claims have been amended, and should be allowable for the reasons set out above.

CLAIMS 85 – 87

Independent claim 85 is amended and should be allowable for the reasons set out for claim 1 and the other claims above.

Dependent claims 86 - 87 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CLAIMS 88 – 91

Independent claim 88 is amended and should be allowable for the reasons set out for claim 1 and the other claims above.

Dependent claims 89 - 91 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CLAIMS 92 – 93

Independent claim 92 is amended and should be allowable for the reasons set out for claim 1 and the other claims above.

Dependent claims 93 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CLAIMS 94 – 102

Independent claim 94 is amended and should be allowable for the reasons set out for claim 1 and the other claims above.

Dependent claims 95 – 102 should be allowable for at least the same reasons, and for the reasons set out above for the other claims.

CONCLUSION

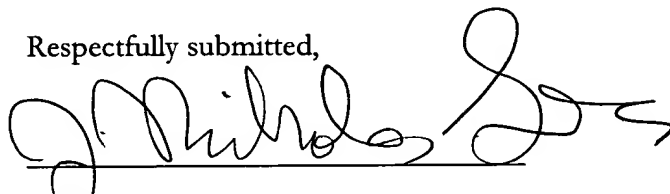
Where appropriate, Applicant has amended the claims with various limitations to better clarify aspects of the present invention and their distinctions over the prior art. Thus, Applicant requests reconsideration of the rejections, and allowance of the pending claims.

The Applicant also wishes to note that the present application contains numerous inventions, as embodied in the varied types of claims presented herein. Accordingly, the Examiner is directed to please note that the claims do not stand or fall together. For any particular claim, in the absence of explicit language included by the Applicant reciting a

particular limitation, no implication is made, and no inference should be drawn by the Examiner, that such claim has been amended and/or includes such particular limitation. Thus, each claim should be considered on its own, and for its own distinctive patentable features as expressed therein, and not by reference to any other discussion or claim presented herein.

A petition and fee for a one-month extension of time to respond to the Office Action is being filed herewith. Please charge any such fees, including fees for the new claims submitted, to deposit account no. 501-244.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Nicholas Gross", written over a horizontal line.

J. Nicholas Gross, Attorney
Registration No. 34,175
Attorney for Applicant(s)

I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to the Commissioner of Patents and Trademarks, this 10 th day of March 2003.
